
By: **Chairman, Health and Government Operations Committee (By Request
- Departmental - Health and Mental Hygiene)**

Introduced and read first time: January 22, 2004

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Exotic Birds - Standards and Permits**

3 FOR the purpose of specifying form and content of an application for a permit to
4 import, distribute, and breed exotic birds; specifying the terms and renewal
5 period for permits; altering certain requirements for record keeping; specifying
6 certain methods for handling, treatment, and destruction of exotic birds;
7 requiring a permit holder to allow the Secretary of Health and Mental Hygiene
8 or a representative to inspect the facilities of the permit holder during
9 reasonable hours of operation and without prior notice; requiring the Secretary
10 or any permit holder on request to make available certain information to the
11 Secretary of Agriculture; authorizing the Secretary to deny, suspend, or revoke a
12 permit under certain circumstances; providing for a hearing under certain
13 circumstances; defining certain terms; altering certain definitions; making a
14 technical change; and generally relating to exotic birds.

15 BY repealing and reenacting, with amendments,
16 Article - Health - General
17 Section 24-101, 24-103, 24-106, 24-107, and 24-108
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2003 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article - Health - General
22 Section 24-105
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2003 Supplement)

25 BY adding to
26 Article - Health - General
27 Section 24-111 through 24-113
28 Annotated Code of Maryland
29 (2000 Replacement Volume and 2003 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Health - General**

4 24-101.

5 (a) In this subtitle the following words have the meanings indicated.

6 (B) "DISINFECTANT" INCLUDES:

7 (1) 1:1,000 DILUTION OF QUATERNARY AMMONIUM COMPOUNDS
8 (ROCCAL OR ZEPHIRAN);

9 (2) 70% ISOPROPYL ALCOHOL;

10 (3) 1% LYSOL;

11 (4) 1:100 DILUTION OF HOUSEHOLD BLEACH (2.5 TABLESPOONS PER
12 GALLON); OR

13 (5) CHLOROPHENOL.

14 [(b)] (C) "Distribute" includes:

15 (1) Offering for sale;

16 (2) Selling;

17 (3) Bartering; [and]

18 (4) Giving away; AND

19 (5) EXCHANGING.

20 [(c)] (D) "Exotic bird" means a bird that is not native to this State.

21 [(d)] (E) "Permit" means a permit issued by the Secretary to import,
22 distribute, and breed exotic birds.

23 (F) "SANITARY CONDITION" MEANS TO ESTABLISH A DAILY OR WEEKLY
24 ROUTINE OF CLEANSING OF THE EXOTIC BIRD FACILITY USING PROCEDURES
25 INCLUSIVE OF, BUT NOT LIMITED TO, USE OF SOAP AND WATER AND DISINFECTANT
26 TO ACHIEVE AND MAINTAIN AN EXOTIC BIRD FACILITY THAT REDUCES OR
27 ELIMINATES FILTH OR BACTERIA THAT MAY ENDANGER HUMAN HEALTH.

28 24-103.

29 (A) AN APPLICANT FOR A PERMIT SHALL SUBMIT AN APPLICATION TO THE
30 DEPARTMENT ON THE FORM THAT THE DEPARTMENT REQUIRES.

1 (B) THE APPLICATION FORM SHALL INCLUDE:

2 (1) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE FACILITY;

3 (2) THE OWNER'S NAME AND TELEPHONE NUMBER;

4 (3) THE MANAGER'S NAME AND TELEPHONE NUMBER;

5 (4) A LIST OF ALL BIRD SPECIES; AND

6 (5) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

7 (C) A permit expires [on the July 1] 1 YEAR after its effective date, unless it is
8 renewed for a 1-year term.

9 24-105.

10 Each permit holder shall keep in a sanitary condition the facility for which the
11 permit is issued.

12 24-106.

13 (a) On a form approved by the Secretary, each permit holder shall keep a
14 record of the following information for each LIVE exotic bird received or DEAD EXOTIC
15 BIRD disposed of by the permit holder or an agent of the permit holder:

16 (1) At the time of receipt:

17 (i) The exotic bird's species;

18 (ii) The date of receipt and the number of EACH exotic [birds] BIRD
19 SPECIES received; and

20 (iii) The [name and] NAME, address, AND TELEPHONE NUMBER of
21 the former owner; and

22 (2) At the time of transfer:

23 (i) The exotic bird's species AND NUMBER OF EACH;

24 (ii) The date of transfer; and

25 (iii) The [name and] NAME, address, AND TELEPHONE NUMBER of
26 the new owner.

27 (b) (1) Each permit holder shall keep for at least [1 year] 3 YEARS, at the
28 facility for which the permit is issued, any record required under this section.

29 (2) THE PERMIT HOLDER MAY CHOOSE TO MAINTAIN REQUIRED
30 RECORDS BY ELECTRONIC METHODS, AS LONG AS THE PERMIT HOLDER OR PERMIT

1 HOLDER'S AGENT HAS RAPID AND COMPLETE ACCESS TO A RECORD REQUESTED BY
2 THE SECRETARY.

3 24-107.

4 [(a) If a bird dies while in the possession of a permit holder, the permit holder
5 shall freeze the bird immediately.]

6 [(b)] (A) The Secretary of Health and Mental Hygiene shall specify the
7 methods for handling, QUARANTINING, ISOLATING, TESTING, treating, and
8 destroying any bird that:

9 (1) Dies while in the possession of a permit holder; [or]

10 (2) [In a case that involves psittacosis] SHOWS SIGNS OF HAVING ANY
11 COMMUNICABLE, ZOO NOTIC DISEASE, INCLUDING PSITTACOSIS, SALMONELLA, or
12 any other disease that is contagious to human beings[:]; OR

13 [(i) Has the disease;]

14 [(ii)] (3) (I) Is suspected of having [the] A disease;

15 [(iii)] (II) Is suspected of being a carrier of [the] A disease;

16 [(iv)] (III) Has been exposed to [the] A disease; or

17 [(v)] (IV) Is kept at the same facility where [the] A disease is
18 discovered or suspected.

19 (B) IF A BIRD DIES WHILE IN THE POSSESSION OF A PERMIT HOLDER, THE
20 PERMIT HOLDER SHALL:

21 (1) MOISTEN EACH BIRD CARCASS WITH A DISINFECTANT, THEN
22 DOUBLE BAG THE BIRD AND REFRIGERATE IMMEDIATELY; AND

23 (2) CONTACT THE LOCAL COUNTY HEALTH DEPARTMENT
24 REPRESENTATIVE FOR INSTRUCTIONS ABOUT TRANSPORT LOCATIONS FOR
25 PSITTACOSIS OR OTHER DISEASE TESTING.

26 (c) In a case that involves velogenic [visertrophic] VISCEROTROPIC Newcastle
27 disease or any other POTENTIAL disease that is contagious to domestic animals or
28 poultry, the State Secretary of Agriculture shall specify the methods for handling,
29 treating, and destroying any bird that:

30 (1) Has the disease;

31 (2) Is suspected of having the disease;

32 (3) Is suspected of being a carrier of the disease;

33 (4) Has been exposed to the disease; or

1 (5) Is kept at the same facility where the disease is discovered or
2 suspected.

3 24-108.

4 (a) (1) The Secretary of Health and Mental Hygiene or a representative of
5 the Secretary of Health and Mental Hygiene may inspect the facilities of any permit
6 holder.

7 (2) THE PERMIT HOLDER SHALL ALLOW INSPECTION OF ALL AREAS OF
8 THE FACILITY BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR A
9 REPRESENTATIVE OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE DURING
10 REASONABLE HOURS OF OPERATION.

11 (3) AN INSPECTION MAY BE DONE WITHOUT PRIOR NOTICE TO THE
12 PERMIT HOLDER.

13 (b) On request, any permit holder or the Secretary of Health and Mental
14 Hygiene shall make available to the State Secretary of Agriculture any record,
15 specimen, or other material necessary to diagnose or trace any infectious disease that:

16 (1) Occurs in an exotic bird; and

17 (2) Is contagious to domestic animals, HUMANS, or poultry.

18 24-111.

19 (A) THE DEPARTMENT MAY DENY AN APPLICATION FOR A PERMIT ISSUED
20 UNDER THIS SUBTITLE IF THE DEPARTMENT FINDS THAT THE APPLICANT:

21 (1) DOES NOT MEET THE REQUIREMENTS OF THIS SUBTITLE OR ANY
22 REGULATIONS ADOPTED UNDER THIS SUBTITLE;

23 (2) FRAUDULENTLY OR DECEPTIVELY ATTEMPTS TO OBTAIN A PERMIT;

24 (3) HAS A HISTORY OF NONCOMPLIANCE, WHICH DEMONSTRATES AN
25 INABILITY TO PROVIDE FOR THE HEALTH AND SAFETY OF ITS EMPLOYEES OR THE
26 GENERAL PUBLIC VISITING THE FACILITY;

27 (4) HAS HAD A PERMIT PREVIOUSLY DENIED OR REVOKED BY THE
28 DEPARTMENT UNLESS THE DEPARTMENT IS SATISFIED THAT THE CONDITION THAT
29 WAS THE BASIS OF THE DENIAL OR REVOCATION HAS BEEN CORRECTED; OR

30 (5) INTERFERES WITH THE DEPARTMENT IN THE PERFORMANCE OF ITS
31 DUTIES UNDER THIS SUBTITLE.

32 (B) IF THE DEPARTMENT DENIES AN APPLICATION, THE DEPARTMENT SHALL
33 NOTIFY THE APPLICANT IN WRITING:

34 (1) THAT THE APPLICATION HAS BEEN DENIED;

1 (2) OF THE REASONS FOR THE DENIAL; AND

2 (3) OF THE ACTIONS THAT MUST BE TAKEN BY THE APPLICANT TO
3 QUALIFY FOR A PERMIT, IF ANY.

4 (C) AN APPLICANT WHO IS DENIED A PERMIT IS ENTITLED TO A HEARING IN
5 ACCORDANCE WITH § 24-113 OF THIS SUBTITLE.

6 24-112.

7 THE DEPARTMENT MAY SUSPEND OR REVOKE A PERMIT ISSUED UNDER THIS
8 SUBTITLE IF THE PERMIT HOLDER:

9 (1) VIOLATES OR FAILS TO MEET THE REQUIREMENTS OF THIS
10 SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS SUBTITLE;

11 (2) FRAUDULENTLY OR DECEPTIVELY OBTAINS A PERMIT; OR

12 (3) INTERFERES WITH THE DEPARTMENT IN THE PERFORMANCE OF ITS
13 DUTIES.

14 24-113.

15 EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT,
16 BEFORE THE SECRETARY TAKES ANY FINAL ACTION UNDER § 24-111 OR § 24-112 OF
17 THIS SUBTITLE, THE DEPARTMENT SHALL GIVE THE PERSON AGAINST WHOM THE
18 ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE
19 DEPARTMENT.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2004.